

### REMARKS

As of the mailing date of the Office Action, claims 2-5, 7-9, and 12-20 were pending. The Office examined and rejected all pending claims. In this paper, Applicant has amended claims 2, 14, and 20. Claims 2-5, 7-9, and 12-20 remain pending.

#### **Rejections under 35 U.S.C. §103(a)**

Claims 2-5, 7-9, and 12-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Herz *et al.*, U.S. Patent Application Publication No. 2001/0014868 (hereinafter, "Herz") in view of Roth *et al.*, U.S. Patent No. 6,285,987 (hereinafter, "Roth").

Claim 2. Independent claim 2 is amended to recite, in part, wherein the user data includes Internet service type data including data identifying an Internet service of the user as a broadband service and wherein grouping of users into user models is determined at least in part by whether the Internet service of the user is a broadband service. Support for claim 2 as amended is found, *e.g.*, in ¶ [0017] of the specification as published.

Applicants submit that amended claim 2 is patentable over the references because the references do not teach or suggest each of the elements recited in claim 2. Discussing the rejection of claim 2 as previously presented, the Office relied upon a reference to "IP data" in Roth. Roth defines the term IP data as follows:

IP Data: Data about the viewer which is specified using the Internet protocol. The IP data about a viewer is presented to the system at view-op time in accordance with standard HTTP conventions. The IP data is defined by standard HTTP conventions and it includes: CGI (common graphic interface) variables, Browser type (*e.g.* Netscape), viewers URL, high-level domain (.edu, .gov, .com, OS of viewer (MAC, Windows, etc.), host, IP address, and URL of referring Web page. *See*, Roth at col. 8, lines 20-28.

Applicants submit that Roth's IP data as defined above does not indicate whether an Internet service of a user is a broadband service. Nowhere in Roth's description of "IP data" is

there any reference to whether an IP service is a broadband service. The Office remarked in the Office Action that claim 2 as previously presented did not strictly require information “require the user data to explicitly be or explicitly contain actual bandwidth data - but rather simply be data ‘indicative’ of bandwidth.” See, Office Action at p. 3. Applicants submit that amended claim 2 addresses the Office’s concern on this point and clearly distinguishes from the information provided by Roth’s IP data.

Accordingly, because amended claim 2 recites elements not taught or suggested by the references, Applicants respectfully request the Office to reconsider and withdraw the Section 103(a) rejection of claim 2 and its dependent claims.

Claims 14 and 20. Independent claims 14 and 20 are amended herein to recite that Internet service type data associated with a specific request indicates whether an Internet service corresponding to a user associated with the specific request is a broadband service. As explained above with respect to amended claim 2, claims 14 and 20 as amended are patentable over the references because the references do not teach or suggest this element. Again, Roth’s IP data is distinguished from the claims’ recital of data indicating whether a service is a broadband service.

The rejection of Claims 2-5, 7-9, and 12-20 under 35 U.S.C. 103(a) as being unpatentable over Herz in view of Friedman *et al.*, U.S. Patent Application Publication No. 2003/0110293 (hereinafter, “Friedman”) is addressed by the amendments above regarding the recital of broadband service data in the amended claims and by remarks submitted in a previous amendment discussing Herz and Friedman explaining that Friedman teaches away from the use of user data to group a user. See, *e.g.*, Response to Non-Final 12/22/09 Office Action.

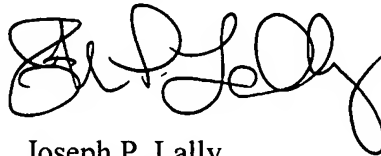
**CONCLUSION**

Applicants believe this response includes a reply to each ground of rejection and objection. Applicants respectfully request favorable action for the pending claims.

Applicants have submitted the requisite fees with this response; however, the Commissioner is hereby authorized to charge any other fees necessary, or credit any overpayment, to the Deposit Account of Jackson Walker L.L.P., No. 10-0096.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.236.2019.

Respectfully submitted,  
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A handwritten signature in black ink, appearing to read 'J. P. Lally', written in a cursive style.

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